

Land Use Process: *ESSENTIAL PUBLIC FACILITY*

BACKGROUND

Following a change in the land use designation for one of the two sites that the County is currently evaluating as a site for their new jail facility the County will be required to complete the Essential Public Facilities (EPF) process with the City.

The City adopted an EPF code in 2008 to establish a siting process for facilities that are generally difficult to locate with a community. The City's EPF process covers facilities like jails, airports, solid waste facilities, and the like. The City's EPF process involves the community and is intended to assist in the identification and minimization of adverse impacts.

EPF CONDITIONAL USE PERMIT PROCESS

The City's municipal code categorizes the EPF process as a 'Type IV' Conditional Use Permit process. In short, this type of permit requires an open record hearing before the City's Hearing Examiner who will make a written recommendation to the City Council. Following the Hearing Examiner public hearing City staff will forward the Hearing Examiner's recommendation to the City Council who will conduct a closed record hearing.

After Skagit County submits a technically complete EPF permit application to the City the City will issue a Notice of Application (NOA). The public will be able to comment on this NOA during the timeframe that will be outlined within this notice. Following the comment period for the NOA City staff will schedule the Hearing Examiner's open record public hearing.

Once the Hearing Examiner makes his recommendation it will be forwarded to the City Council who will hold a closed record hearing to make the final decision on whether or not the EPF permit will be granted, and if granted, what conditions will be placed on it.

A closed record hearing means that no new evidence may be submitted and only those people who became parties of record are able to speak before the City Council. However, parties of record may not submit new evidence to the City Council they are only allowed to reiterate or reference their testimony or materials that were part of the Hearing Examiner's open record process.

PUBLIC PROCESS

Before commencing the EPF process the County and City (as co-leads) will be completing a State Environmental Policy Act (SEPA) process; and the County will also complete the City's Comprehensive Plan Amendment/Rezone process.

Both of these processes will also have associated public comment opportunities.

PROCESS FOR EPF CONDITIONAL USE PERMIT

